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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION OF
SOUTHERN CALIFORNIA,
Plaintiff,

v.

UNITED STATES IMMIGRATION
AND CUSTOMS ENFORCEMENT,
UNITED STATES DEPARTMENT
OF HOMELAND SECURITY,
Defendants.

Case No. 2:22-CV-04760-SHK

**PLAINTIFF'S REQUEST FOR
FURTHER STATUS
CONFERENCE**

Honorable Shashi H. Kewalramani
United States Magistrate Judge

Conference date: March 20, 2024

Time: 10:00 a.m.

Place: 3470 12th St., Riverside, CA
92501, Courtroom 3 or 4 *via Zoom*

ACLU of Southern California v. U.S. ICE, et al., No. 2:22-cv-04760-SHK
PLAINTIFF'S REQUEST FOR FURTHER STATUS REPORT

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1 Pursuant to the Court’s March 4, 2024 Minute Order, ECF No. 72, Plaintiff
2 American Civil Liberties Union of Southern California (“ACLU-SoCal”) hereby
3 requests a further status conference to discuss the issues as described below:

- 4 1. De-duplication of Parts 1-3. Of the approximately 37,252 pages responsive
5 to Parts 1-3 that Defendants reported remain to be processed by ICE, *see*
6 ECF No. 69 (Defs.’ Status Report), have these pages been de-duplicated?¹
7 a. If not, what is the resulting page count for these 37,252 pages once
8 de-duplication has been performed? (As referenced in ECF 60 at p. 4,
9 Defendants stated that “ICE was able to de-duplicate the records and
10 conduct email threading to reduce the number to approximately
11 12,000 pages. [] There are currently approximately 9,000 pages
12 remaining to be processed for Request Nos. 1-3.”)
13 b. What is the resulting de-duplicated page count with respect to each
14 individual specified in Plaintiff’s FOIA request (i.e. Mr. Gulema, Mr.
15 Ibarra Bucio, Mr. Vargas Arellano, and Ms. Medina Leon?)
16 2. Custodians for Parts 1-3. For Parts 1-3, which custodians has ICE searched
17 (by title and location)? How many de-duplicated pages remain to be
18 produced for each custodian?

- 19 a. Regarding documents related to Mr. Gulema, who is the officer
20 (redacted name) referred to at Document 10542 of Defendant ICE’s
21 production? If ICE declines to provide her name, what is her title and
22 department? Did ICE conduct a search of records belonging to this
23

24 ¹ Plaintiff uses the term “de-duplicated” in this document to refer both to removal
25 of exact duplicates and removal of duplicative material through email threading.
26 Thus, a set of documents is “de-duplicated” only after exact duplicates and thread
27 duplicates have been removed.

1 officer for responsive records? If so, how many pages did a search of
2 this custodian yield? How many pages remain to be processed?

3 b. Regarding documents related to Mr. Gulema, did ICE conduct a
4 search of records belonging to the New Orleans ICE Field Office
5 Director? If so, how many pages did a search of this custodian yield?
6 How many pages remain to be processed?

7 c. Did ICE conduct a search of Mr. Gulema's ICE Enforcement and
8 Removal Officers ("ERO") Officer? If so, how many pages did a
9 search of this custodian yield? How many pages remain to be
10 processed?

11 d. Did ICE conduct a search of ICE Headquarters staff for Parts 1-3? If
12 so, please identify the custodian (if ICE declines to provide names,
13 please provide title/department). If so, how many pages did a search
14 of these custodians yield, disaggregated by custodian? How many
15 pages remain to be processed?

16 e. Defendants stated that "ICE searched through the entire set of
17 documents [remaining to be processed for Parts 1-3] by the *custodians*
18 identified by Plaintiff, but that search still resulted in approximately
19 31,000 pages." ECF No. 69 at 4 (Emphasis added). How did ICE
20 search by custodians? Did this search consist of a search of custodian
21 metadata fields? If so, how many pages were returned for this search
22 of custodian metadata fields? Did this search consist of a search of
23 document text for the names of the custodians? If so, how many pages
24 were returned for this search of document text? Were any further
25 searches conducted to identify documents related to these custodians?

1 If so, how many pages were returned for each of these additional
2 searches?

3 f. Plaintiff also indicated that it would not waive documents within the
4 set of documents ICE has identified for processing related to Mr.
5 Gulema that were sent to or received from to any member of the
6 Senate or their staff. Did ICE conduct a search to identify documents
7 sent to or received from any member of the Senate or their staff? In
8 conducting this search, what fields did ICE search and what terms did
9 it use?

10 3. Parts 1-3. Please confirm that ICE has completed its production of
11 documents related to Mr. Gulema dated after October 1, 2015. If not, how
12 many pages remain?

13 4. Parts 1-3. How many pages of the documents referred to ICE by OIG remain
14 to be processed and produced? How many pages of those documents are
15 related to Mr. Gulema and dated after October 1, 2015?

16 5. Part 4. Plaintiff has requested that ICE include the following search terms in
17 its search of IRAP and ORAP documents responsive to Part 4: “death,” “life
18 support,” “critical condition,” “intensive care,” “ICU,” and “hospice.”
19 ICE, however, did not provide its position as to whether or not it would
20 include these terms in its search, but rather, stated in its status report that it
21 “will consider Plaintiff’s request as it continues processing records and
22 reviewing documents that were identified in response.” ECF No. 66-15 at 6.
23 Will ICE commit to conducting a search for Part 4 that includes these search
24 terms? If so, will ICE provide Plaintiff the resulting hit counts so Plaintiff
25 can consider whether it will agree to waive certain records from ICE’s
26 processing obligations?

1 6. Part 5. Plaintiff has requested that ICE narrow the list of custodians searched
2 to “all staff who participate in the weekly Significant Detainee Illness (SDI)
3 meeting and any custodian who possesses the SDI list.” ECF No. 66-13 at
4 29. ICE has stated that it will “consider . . . Plaintiff’s request for further
5 searches” after it has processed the 551 pages it has already located. ECF
6 No. 66-15 at 6 (Defs.’ Feb. 21, 2024 Letter). Will ICE commit to conducting
7 a search of custodians from ICE leadership, ERO, and OPLA who
8 participate in the weekly SDI meetings? If so, what search terms, custodians,
9 locations, and date ranges will ICE search? (Note that Parties have already
10 agreed upon search terms). Will ICE commit to providing Plaintiff hit counts
11 of the resulting search so Plaintiff can consider whether it will agree to
12 waive certain records from ICE’s processing obligations?

13 7. Parts 6-7. On November 30, 2023, ICE stated that it “has no objection to
14 searching [ICE’s Joint Intelligence Operations Center (“ICE-JIOC”)]” for
15 Significant Incident Reports (“SIR”) and Significant Event Notification
16 (“SEN”) reports. ECF No. 66-9 at 64 (Defs.’ Nov. 30, 2023 Letter). On
17 January 22, 2024, ICE reversed course, stating that ICE-JIOC has “deferred
18 the search tasking to ERO because the data points do not originate with
19 JIOC,” and that JIOC “would too need identifying information.” ECF No.
20 66-13 at 3. But this position appears inaccurate, as ICE-JIOC analyzes and
21 sends summaries of the SIRs to ICE field offices. Plaintiff has requested that
22 ICE-JIOC conduct a search for SIRs and SEN reports, using the agreed-upon
23 search terms, as it would not require identifying information of individuals.
24 Will ICE conduct a search of ICE-JIOC, using the agreed-upon search terms,
25 for responsive SIR and SEN reports? If ICE contends that it cannot conduct
26 a search of ICE-JIOC, will ICE describe the formats in which ICE-JIOC

1 keeps SIR and SEN reports and the reason why these records are not
2 searchable by search terms?

3
4 Dated: March 5, 2024

Respectfully submitted,

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